

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

v.

STERLING MCKOY,

Defendant.

8:03CR290

ORDER

This matter is before the Court on defendant Sterling McKoy's ("McKoy") pro se Motion for Appointment of Counsel (Filing No. 602) to assist him with his pending Motion for Imposition of Reduced Sentence Pursuant to Section 404(c) of the First Step Act (Filing No. 587). McKoy also asks for additional time to file a response to the government's supplemental brief (Filing No. 600) in opposition to his motion to reduce.

In light of the circumstances of this case, which are discussed more fully in this Court's Order dated April 22, 2021 (Filing No. 599), the Court finds both of McKoy's requests should be granted. Accordingly,

IT IS ORDERED:

1. Defendant Sterling McKoy's pro se Motion for Appointment of Counsel (Filing No. 602) is granted.
2. The Federal Public Defender for the District of Nebraska is appointed to represent McKoy with respect to his motion to reduce his sentence under the First Step Act.
3. In the event the Federal Public Defender should decline this appointment because of a conflict of interest or on the basis of the Amended Criminal Justice Act Plan, the Federal Public Defender shall provide the Court with a draft appointment order (CJA Form 20) bearing the name and other identifying information of the CJA Panel attorney identified in accordance with the Amended Criminal Justice Act Plan for this district.

4. If upon review the Federal Public Defender should conclude that McKoy's motion is frivolous, the Federal Public Defender may move to withdraw as counsel.
5. McKoy's counsel shall have until June 18, 2021, to file a response to the government's supplemental brief (Filing No. 600). Absent an extension, McKoy's First Step Act motion shall be deemed fully briefed and submitted as of that date.

Dated this 13th day of May 2021.

BY THE COURT:



Robert F. Rossiter, Jr.
United States District Judge